

HOUSE BILL 3069

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Section 37-1-155; Section 37-1-153 and Section 40-32-101, relative to juvenile court records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-153(f)(1), is amended by deleting the following language

Notwithstanding the provisions of any law to the contrary, any person who is tried and adjudicated delinquent by a juvenile court may subsequently petition the juvenile court for expunction of court files and records.

and by substituting instead the following:

Notwithstanding any law to the contrary, any person who is adjudicated delinquent or unruly by a juvenile court may subsequently petition the juvenile court for expunction of all public records, as defined by § 40-32-101.

SECTION 2. Tennessee Code Annotated, Section 37-1-153(f)(1), is further amended by deleting the word “delinquency” in subdivision (f)(1)(A)(ii).

SECTION 3. Tennessee Code Annotated, Section 37-1-153(f)(1), is further amended by deleting subdivision (C) in its entirety and by substituting instead the following:

(C) Has made such an adjustment of circumstances that the court, in its discretion, believes that expunction serves the best interest of the person and the community.

SECTION 4. Tennessee Code Annotated, Section 37-1-153(f)(2), is amended by adding the words “or unruly” between the words “delinquency” and “adjudication”.

SECTION 5. Tennessee Code Annotated, Section 37-1-153(f), is amended by adding new subdivision (3) as follows:

(3) Notwithstanding any law to the contrary, expunction of all court files and records and all public records is available to any person who has been charged with a delinquent or unruly offense or violation of a valid court order and is eligible for expunction pursuant to § 40-32-101.

SECTION 6. Tennessee Code Annotated, Section 37-1-155, is amended by adding the following language at the beginning of subdivision (a)(1):

This section applies not only to fingerprints but also to other scientific methods of establishing an individual's identity, including, but not limited to, DNA testing or retinal scanning. References to fingerprints or fingerprinting shall be read to include such other identification methods.

SECTION 7. Tennessee Code Annotated, Section 37-1-155(b), is amended by deleting subdivisions (2), (3) and (4) in their entirety, by redesignating the current subdivision (5) as subdivision (2), and by adding the following as a new subdivision (3):

(3) A child's local law enforcement records and files shall be destroyed within six (6) months after the individual reaches twenty-one (21) years of age unless the individual was adjudicated to have committed, at sixteen (16) years of age or older, a delinquent act that, if committed by an adult, would constitute a Class A felony or the Class B felonies of aggravated kidnapping, aggravated robbery, rape or aggravated sexual battery, in which case the local law enforcement has the discretion to maintain or destroy such information after the individual reaches twenty-one (21) years of age.

SECTION 8. Tennessee Code Annotated, Section 40-32-101(a)(4), is amended by adding the following language at the end of the subdivision:

This section applies to delinquent or unruly proceedings in juvenile court when a child is taken into custody or detained without the filing of a delinquent or unruly petition or in

proceedings that are dismissed, including successful completion of pretrial diversion or informal adjustment.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.